

Appln. No. 10/058,797
Amdt./Response filed November 21, 2005
Reply to Office Action of September 20, 2005

PATENT
Attorney Docket No. 10001024-1
Finnegan Ref. No. 07896.0050-00000

REMARKS/ARGUMENTS

In response to the Office Action dated September 20, 2005 ("OA"), Applicants respectfully propose that the Office enter the amendments set forth above and consider the following remarks. By this response, Applicants amend claims 3-4, 9-10, 21, 25, 27, and 29-30, cancel claims 7-8, and 28 without prejudice or disclaimer, and add no new claims. After entry of this paper, claims 3-6, 9-11, 20-27, and 29-30 would be pending in this application.

In the Office Action, the Examiner: (i) rejected claims 3, 7-11, 21, and 25-30 under 35 U.S.C. § 112, second paragraph; (ii) rejected claims 3, 7-11, 21, and 25-30 under 35 U.S.C. § 103(a) as allegedly unpatentable over Chianese (USPN 5,804,141) in view of one or more of Salisbury (USPN 2,625,932), Woodbridge, III (USPN 4,065,263), Weigl et al. (USPN 6,409,832), and/or Dapprich (USPN 6,585,939); and (iii) allowed claims 4-6, 20, and 22-24.

35 U.S.C. § 112 Rejections

Claims 3, 7-11, 21, and 25-30 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleges that the relationship between collapsor bearings and the plungers of claim 7 and the blade of claim 8 is unclear.

Applicant respectfully disagrees, though proposes the above amendments in the interest of expediting prosecution and avoiding further costs. As set forth above, Applicant has either canceled these claims or rewritten them to depend, either

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directly or indirectly, from allowed claim 5. Thus, these claims no longer depend from claims 7 and 8. Accordingly, Applicant submits that the instant rejection has been overcome and should be withdrawn.

35 U.S.C. § 103(a) Rejections

Claims 3, 7-11, 21, and 25-30 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Chianese in view of one or more of Salisbury, Woodbridge, III, Weigl et al., and/or Dapprich.

Again, Applicant respectfully disagrees, but proposes the above amendments in the interest of expediting prosecution. As set forth above, Applicant has canceled claims 7-8 and 28 and rewritten the remaining claims such that they all depend, either directly or indirectly, from allowed claim 5. Therefore, Applicant submits that the rejections under 35 U.S.C. § 103(a) are either moot or have been overcome. Accordingly, Applicant respectfully requests that the instant rejections be withdrawn, and claims 3, 9-11, 21, 25-27, and 29-30 allowed.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 3-6, 9-11, 20-27, and 29-30 in condition for allowance. Applicant submits that the proposed amendments of claims 3-4, 9-10, 21, 25, 27 and 29-30 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

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Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that entering this amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 50-1078.

Respectfully submitted,

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Dated: November 21, 2005

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